Guide to maternity rights and benefits

Human Resources
October 2019
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Introduction

Congratulations on your pregnancy!

This guide sets out the university’s provision for maternity leave and pay, and associated procedures. It details the statutory entitlements to maternity leave and pay, as well as the occupational maternity pay the university provides. Information on shared parental leave is also included/signposted.

Having a baby is an important time during which the university wants to support you as much as possible. This guide gives details of:

- your entitlements to maternity leave and pay
- your rights during and after pregnancy
- what you need to do during various stages of your pregnancy

A brief flowchart of what you need to do, as well as what the university/your manager needs to do, can be found at the end of the guide.

Eligibility and length of statutory maternity leave

All employees are entitled to take up to 52 weeks' maternity leave, regardless of how long they have worked for the university. This consists of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

Although it is up to you to decide how much of the 52 weeks' maternity leave you wish to take, the law requires that a minimum of two weeks' leave from the date of childbirth must be taken (known as compulsory maternity leave). We will assume you will take 52 weeks maternity leave unless you inform us otherwise.

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth), subject to giving the university 8 weeks’ notice before the return date (if this is different to the date you originally stated you would return to work).

Letting us know you are pregnant and of your intention to take maternity leave

On becoming pregnant, you should notify your line manager as soon as possible. This is important as there are health and safety considerations for the university and you.

You need to let the university know of your intention to take maternity leave by the 15th week before your expected week of childbirth (EWC). You will need to inform us:

- that you are pregnant
- the expected week of childbirth
- and, in writing, when you wish to start your maternity leave

Please provide these details in the Maternity Leave Notification Form (at the end of the guide). You can change the start date of your maternity leave, but need to be aware that you will need to give the university 28 days' notice of the change, unless this is not practical. You may wish to use DirectGov’s maternity leave calculator to help you with your dates: https://www.gov.uk/pay-leave-for-parents
Maternity leave cannot begin before the 11th week before the expected week of childbirth, but thereafter you can start your leave at any time to suit you taking into account your health and wellbeing. However, if you are absent from work wholly or partly due to the pregnancy after the beginning of the 4th week before the EWC, your maternity leave will start automatically.

Maternity leave will start on whichever date is the earlier of:

- your chosen start date;
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the 4 weeks before the EWC.

If you give birth before your maternity leave is due to start, you must notify the university in writing of the date of the birth as soon as reasonably practicable. Your maternity leave will then start the day after you gave birth.

**Statutory maternity pay (SMP)**

SMP will normally be paid for 39 weeks provided you:

- have been continuously employed by the university for at least 26 weeks continuing into the 15th week before the baby is due (the “qualifying week”);
- have an average weekly earnings of not less than the lower earnings limit for National Insurance contributions;
- are still pregnant at the beginning of the 11th week before the expected week of childbirth, or have had the baby by that time;
- have provided medical evidence of the date the baby is due at least 21 days before the maternity absence is due to start, by sending in your 'Mat B1' certificate which is usually obtained from your midwife or GP.

The maternity pay period (MPP) is the period (up to 39 weeks) in which maternity pay is payable. It can start any time from the 11th week before the expected week of childbirth and will last for a period of 39 weeks. It starts from the date you commence your maternity leave.

SMP consists of 9/10ths of earnings for the first 6 weeks of maternity leave, followed by the current standard rate of SMP for the remaining 33 weeks or 90% of earnings for the full 39 weeks if this is less than the current standard rate of SMP. The current rate of SMP can be found here [https://www.gov.uk/maternity-pay-leave/pay](https://www.gov.uk/maternity-pay-leave/pay)

If you are not eligible for SMP we will give you form SMP1 which will explain why you can’t get SMP. You may be eligible for maternity allowance instead and can find out more here: [https://www.gov.uk/maternity-allowance](https://www.gov.uk/maternity-allowance).

**Occupational maternity pay (OMP)**

In addition to SMP, the university also provides occupational maternity pay for employees who return to work for at least 3 months after their maternity leave. This supplements Statutory Maternity Pay and is payable as follows:

- **6 weeks at full normal weekly pay, inclusive of SMP**, followed by
- **12 weeks of half normal pay, plus standard rate SMP** (but not exceeding full normal weekly pay), then
- **21 weeks at standard rate SMP, or 90% of average weekly** earnings (whichever is lower)
It should be noted that both SMP and occupational maternity pay (OMP) are calculated by averaging weekly earnings. This is achieved by averaging your gross earnings over a period of eight weeks up to and including the last payday before the end of your qualifying week. This allows for fluctuations in pay.

It's important to be aware that, if you return to work for a period of less than 3 months after your maternity leave or do not return to work at all, you will be required to pay the half pay element of your occupational maternity pay.

Health and safety

We are required to carry out a risk assessment to assess the workplace risks to employees who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. Your line manager will conduct a risk assessment for new and expectant employees. The risk assessment can be found here: https://staff.brighton.ac.uk/hr/life/Pages/Maternity-Guide.aspx

Time off for antenatal care

Once you have let us know that you are pregnant, you will be entitled to reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor.

You may be asked to produce a certificate from your doctor, registered midwife or registered health visitor, stating that you are pregnant. Except in the case of the first appointment, you should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend, in addition to medical examinations.

You should endeavour to give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Sickness absence

If you are absent from work during pregnancy owing to sickness, you will receive normal contractual sick pay (please refer to the terms and conditions of service) in the same manner as you would during any other sickness absence provided that you have not yet begun ordinary maternity leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the 4th week before the EWC, your maternity leave will start automatically and you must notify HR and your line manager in writing of this as soon as reasonably practical.

If sickness prevents you from returning to work at the end of your maternity leave, your absence from the end of your maternity leave will be considered as sickness absence, provided you submit a medical certificate/Fit Note. The usual contractual sick pay/SSP rules will apply.

Terms and conditions during maternity leave

- During ordinary maternity leave and additional maternity leave, you will be entitled to the benefit of your normal terms and conditions of employment, except for pay.
- The period of maternity leave will be regarded as service for the purpose of calculating entitlement to leave and will not affect your annual leave entitlement.
• Where there is an increase in pay during the maternity pay period, SMP and OMP will be recalculated to take into account any increment or pay award applied during that period.
• The employer’s pension contributions will continue to be paid on your normal pensionable salary; however, your own contributions will be based on the amount of pay you actually receive during your maternity leave. More information about your pension and useful links can be found in Appendix A.

Maternity leave and salary sacrifice

For more information about childcare vouchers and how to apply, please look at the university’s childcare voucher scheme guide which can be found in Life Events section of Staff Central.

Maternity pay is calculated on salary on which national insurance is payable. Consequently, it’s important to be aware that your maternity pay will be based on your sacrificed salary if you are in the childcare voucher scheme, or other salary sacrifice scheme, when you go on maternity leave.

Contact during maternity and keeping-in-touch days

Before you start your maternity leave, we would encourage you to discuss with your line manager arrangements for keeping in touch and, in particular, how much communication you would like to have and by what method. For example, this may be to keep you up to date with developments at work during your leave, make you aware of vacancies in your department, training opportunities or to discuss arrangements for your return to work.

You can also agree to attend training or work for up to 10 days, regardless of whether you are full-time or part-time, during your maternity leave. These days are known as ‘keeping in touch’ (KIT) days and are useful for a number of things, including:

• updating or refreshing knowledge and skills
• maintaining or establishing key relationships with colleagues or external contacts
• ensuring that you are up to date with any changes in standard operating procedures, policies or new ways of working
• continued input into important projects, particularly with projects nearing completion
• ensuring that logistics and a return to work plan are in place

There is no obligation on you to work a KIT day: keeping in touch days should only take place if you and your line manager agree that they should. Any work carried out on a KIT day will constitute a day’s work for these purposes regardless of how many hours you work.

Payment for keeping in touch days

Payment for KIT days will not exceed full pay and will only be made for work undertaken which has been agreed, in advance, between you and your line manager. Payment will be made as follows:

• If you work a KIT day during the first 6 weeks of your maternity leave, no additional payment will be made as you already receiving full pay.

• If you are receiving SMP and/or OMP your pay will be offset against any money you were due for the week. For example, if you were in a normal SMP week and earned £50.00 for a KIT day, you would retain your SMP, although the £50.00 earned will be offset against this, meaning you would receive the normal SMP amount for the week.

• If you are in the unpaid period of maternity leave, you will be paid for the hours you
have worked.

**Annual Leave**

Before you start your maternity leave, you are encouraged to take your accrued annual leave to date (up to the start of your maternity leave) and book this in the usual way via My View.

While on your maternity leave, you will continue to build up your contractual leave entitlement which includes public holidays and university closure days. This will be pro-rated for part time employees. The leave you accrue during your leave can be added to the end of your maternity leave so that you have the benefit of a period of paid leave before you physically return to work. This should be agreed with your manager and notified to HR.

**Returning to work**

After the first two weeks of maternity leave, you can return to work at any time during ordinary maternity leave or additional maternity leave provided you give appropriate notification (e.g. give at least 8 weeks’ notice in writing of the date on which you intend to return to HR and your line manager). Alternatively, you may take the full period of maternity leave entitlement (i.e. 52 weeks) and return to work at the end of this period. In either case, your return to work date should be provided in the Maternity Leave Notification Form.

You have the right to resume working in the same job if returning to work from ordinary maternity leave. If you return to work after a period of additional maternity leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate/Fit Note before the end of the maternity leave period.

If you decide during maternity leave that you do not wish to return to work, you should give written notice of resignation as soon as possible and in accordance with the terms of your contract of employment.

If you are on a fixed term contract, you will not be entitled to work for a period extending beyond the expiry of your contract of employment. In these circumstances you will be consulted about the renewal or non-renewal of your contract.

If you wish to return to work on different terms or a different working pattern please refer to the following:

- Flexible working toolkit
- Flexible working information for members of staff

**Linked policies and other useful sources of information**

Refer to the Life Events section of the HR Staff Central pages for information on all of the documents referred to in this policy, together with a range of other useful information.

**Links**

http://www.worksmart.org.uk/rights/maternity_leave  
http://www.workingfamilies.org.uk/  
https://www.gov.uk/maternity-pay-leave  
https://www.gov.uk/child-benefit  
http://www.hse.gov.uk/mothers/index.htm

**Rest Facilities**
When your risk assessment is carried out, your line manager will let you know where there are suitable rest facilities for you to use. Advice can also be sought from Health & Safety.

**Breastfeeding**
Returning to work does not mean that you have to stop breastfeeding. There are several options available to you. You can arrange for childcare close to work, so that you can breastfeed during breaks or before and after work or express milk so that someone else can feed your baby while you are at work. If you want to breastfeed at work, please let us know in writing in advance so that we can make preparations. The university will make every reasonable effort to provide suitable facilities for you if you are breastfeeding to express and safely store milk at work.

More information can be found on [www.hse.gov.uk/mothers](http://www.hse.gov.uk/mothers).

Updated May 2018
### Quick Guide

#### Maternity Leave

<table>
<thead>
<tr>
<th>What you (the employee) need to do</th>
<th>What the university/your manager needs to do</th>
<th>When during your pregnancy/maternity leave?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Let your line manager know you are pregnant.</td>
<td>Your manager will organise a Health and Safety risk assessment for you to ensure that you are free from risk during your pregnancy and make reasonable adjustments. Allow time off for antenatal appointments. Ensure the employee takes lunch breaks and sufficient rest breaks.</td>
<td>As early as possible</td>
</tr>
<tr>
<td>Inform your line manager of dates &amp; times of antenatal appointments and keep your manager updated with any new advice given to you by your midwife or GP.</td>
<td>Monitor and review, depending on the advice received.</td>
<td>Throughout</td>
</tr>
<tr>
<td>Complete the Maternity Leave Notification Form to confirm the date you would your maternity leave to start. You can change your mind but will need to provide 28 days’ notice of the change. You also need to provide the expected end date of your maternity leave.</td>
<td>Manager - discuss maternity leave with the employee. Ensure they complete the Maternity Leave Notification Form and remind them to forward their MATB1 to HR. HR will write to the employee confirming dates within 28 days of receiving the Maternity Leave Notification Form.</td>
<td>Circa 20 weeks</td>
</tr>
<tr>
<td>Make sure you send your original form MATB1 to Human Resources (if this hasn’t been provided already).</td>
<td>HR will confirm receipt</td>
<td>No later than 25 weeks of your pregnancy or 15 weeks before your baby is due.</td>
</tr>
<tr>
<td>Discuss and agree with your line manager how much contact you would like to have during your leave and about what particularly.</td>
<td>Agree contact arrangements for the leave period. Discuss keeping in touch days.</td>
<td>25 – 30 weeks</td>
</tr>
<tr>
<td>If you’re a line manager, arrange to meet with members of staff you supervise to review their objectives to date. Pass on all relevant documentation to the person who will be covering your role.</td>
<td></td>
<td>25 – 30 weeks</td>
</tr>
<tr>
<td>Let your manager know of the birth of your baby</td>
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<td>Soon after childbirth</td>
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#### Keeping up to date during maternity leave

<table>
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<tr>
<th>What you (the employee) need to do</th>
<th>What the university/your manager needs to do</th>
<th>When during your pregnancy/maternity leave?</th>
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<tbody>
<tr>
<td>Maintain regular contact with your line manager.</td>
<td>Keep you informed of what’s happening at the university, new vacancies and matters that may affect your role.</td>
<td></td>
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</tbody>
</table>
**What you need to do** | **What the university/your manager needs to do** | **Weeks of pregnancy/maternity leave**
---|---|---
Liaise with your manager about KIT days (keeping in touch days) to refresh skills, attend training etc. | Discuss and agree KIT days. | At any time during maternity leave, but may be most useful when you’re starting to think about your return to work.

Use the KIT day form, have it authorised by your line manager to ensure it is paid. | Authorise the KIT day form and forward to: as.payroll@brighton.ac.uk | As soon as possible after the KIT day.

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**Preparing for return to work**

**Let your manager and HR know if you wish to change the date of the end of your maternity leave.** | Ensure any changes are effectively communicated by the manager/HR/Payroll to ensure the employee is paid correctly. | **No later than 8 weeks before the original maternity leave end date.**

**Liaise with your manager and your HR representative about your accrued leave during maternity leave.** | Agree how any accrued leave will be taken. | Approximately 6 – 8 weeks before your return date.

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**Frequently Asked Questions**

**When can I start my maternity leave?**
We encourage you to start your maternity leave as early as possible taking into account your health and well-being in the lead up to your due date. Maternity leave cannot begin before the 11th week before the EWC. You are also encouraged to take your accrued holiday to date before the start of your maternity leave. Using your annual leave in this way allows you to relax and rest before your baby is born without having to start your maternity leave.

**What will happen to my pension contributions and the University’s contributions whilst I’m on maternity leave?**
You will continue to pay pension contributions but the amount you pay will be based on the amount of pay you actually receive rather than your pensionable salary. The University continues to pay its contributions and the membership credit you receive in the scheme equals the same as if you had not been on maternity leave whilst you are making contributions. This means that when you are not in receipt of pay and therefore not making contributions you are not accruing service towards the pension scheme. However, you are covered by death in service benefits during this period. See Appendix A for more details about your pension.

**What happens if I have taken my accrued annual leave entitlement before my maternity leave commences but I give birth whilst I’m taking annual leave?**
Please advise your line manager and HR and as soon as practical of the date of birth of your baby. Your maternity leave would automatically start the day after you’ve given birth and any untaken annual leave will be added to your annual leave entitlement.

**What happens if I have a miscarriage?**
A miscarriage occurring at any time up to 24 weeks of pregnancy will be treated as normal staff sickness. You would receive your normal occupational/statutory sick pay entitlements. Once 24 weeks of pregnancy have passed, an employee suffering a stillbirth or the loss of a young baby will be covered by normal maternity rights. In either case, you would be entitled to 26 weeks’ ordinary maternity leave and 26 weeks’ additional maternity leave, and may qualify for 39 weeks’ statutory maternity pay (SMP) and occupational maternity pay. Any of these scenarios...
would be very distressing and the university would aim to provide as much support as possible.

**What about IVF treatment – am I entitled to time off?**

There is no statutory right for employees to take time off work for IVF treatment; therefore, medical appointments related to IVF will be treated the same as any other medical appointment.

However, if you are off work due to the effect of the treatment and are signed off work by your GP, the university will treat this sickness absence in the same way as sickness for other reasons in accordance with the university’s policy. Following implantation you are regarded as being pregnant. If the IVF is unsuccessful, the protected period ends 2 weeks after the end of the pregnancy - 2 weeks after the date you were informed that implantation was not successful.

**Will I have access to my University IT and e-mail account whilst on maternity leave?**

Your IT and e-mail account will remain active whilst you are on maternity leave. You may be prompted to up-date your password if it is due to expire as you would if you were at work.

**I would like to return to work part-time, when should I submit my flexible working request?**

To request part-time working or a different working pattern please refer to the Flexible Working Toolkit which provides advice on how to make your request and what details to include. The consideration process for handling requests for flexible working can take up to 3 months. Therefore, if you do wish to make a flexible working request, please do so as soon as possible and at least three months before you wish the change to take effect.

**How will pay be affected if I return to work part-time?**

You will receive a pro rata amount of the full time equivalent salary. Your annual leave will be proportional to the hours you work and will be up-dated on MyView. For example, if your full-time salary is £29,000, your part-time salary if you work 3 days per week (0.6 of full-time hours) would be £17,400 before tax (29,000 x 3/5). Current university pay scales can be found on Staff Central.

**I’ve decided I don’t want to return to work following maternity leave, what notice do I need to give?**

You should give written notice of your resignation as soon as possible and in accordance with the terms in your contract of employment. If you are unsure of your notice period, contact HR.
Maternity Leave Notification Form

- This form is for UoB employees to provide notification of an upcoming period of Maternity Leave.
- The form should be completed by the 15th week before the expected week of childbirth (EWC). You may wish to refer to https://www.gov.uk/pay-leave-for-parents to help you provide the correct dates.
- Send the completed and fully signed form to Human Resources by email humanresources@brighton.ac.uk or by internal mail. Attach your original MATB1
- HR will write to you within 28 days of receiving your notification to confirm your entitlements and your return date.
- Update all of your personal details, address etc. on My View.
- Ensure you provide the expected end date of your maternity leave. If you wish to change the end date, be aware that you need to provide 8 weeks’ notice to your manager and HR (otherwise it will be assumed that your maternity leave will end on the date provided). Any questions, email humanresources@brighton.ac.uk. Thank you.

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<th>Your name in full:</th>
<th>Date:</th>
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<tr>
<td>Department/School:</td>
<td>Your employee no:</td>
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### Key dates

**Expected week of childbirth (EWC):**
*This starts from the Sunday before the week in which your baby is due to be born.*

**Expected date that you would like your maternity leave to start:**
*Your maternity leave can start on any day of the week.*

**Expected end date of your maternity leave**
*Do not include the dates of your annual leave here (if you will be taking some on your return).*

I attach my original MAT B1
*(this form is needed to confirm the EWC and will be given to you by your midwife or GP)*

### Occupational maternity pay

Please confirm here if you wish to postpone receiving the occupational half pay element of your maternity pay and receive SMP only. (see point 2 below)

I would like to postpone receiving my occupational half pay element of OMP until I return to work.

### I confirm that:

1. The information provided above is correct

2. I understand that if I receive payment under the enhanced Occupational Maternity Pay Scheme (other than statutory maternity pay) it is subject to me returning to work for a minimum of three months following the maternity leave period. If I am unable to fulfil this requirement, I understand that I will need to refund the occupational half pay element of my maternity pay.

3. I understand that holiday accrued during my maternity leave can be used before I return to work (added to the end of my maternity leave) and will speak to my manager and notify my HR representative in the HR Support team.

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<th>Employee signature:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Line manager's name:</td>
<td>Date:</td>
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<td>Line manager's signature:</td>
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</tbody>
</table>
This form is for University of Brighton staff to use for KIT days during maternity or adoption leave.

- KIT days should be initially discussed and agreed between you and your line manager. You can work a maximum of 10 days.
- Once agreed, please complete and sign the form and arrange for it to be signed by your line manager.
- The completed and signed form should be sent to Payroll (as.payroll@brighton.ac.uk) or posted to: Payroll Department, Mithras House, Lewes Road, Brighton.
- Do note - if you are not receiving any pay, when you come in to work on a KIT day, you will receive normal pay for the amount of work done e.g. 5 hours pay. If you are receiving SMP and/or OMP your pay will be offset against any money you were due for the week. See the Maternity Guide for further information.

**Employee’s details:**

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<tr>
<th>Full name:</th>
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<tr>
<td>Job title:</td>
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<tr>
<td>School/Department:</td>
<td></td>
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<tr>
<td>Employee number:</td>
<td></td>
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</tbody>
</table>

**Proposed keeping in touch day details:**

| Brief description of activities: |   |
| Date(s) worked: |   |
| Total number of hours worked: |   |
| Employee signature: |   |

Attachment to an email will constitute signatory authorisation

**To be completed by your line manager once KIT days have been agreed:**

| Number of KIT days remaining? |   |
| Line manager’s name: |   |
| Line manager’s signature: |   |

Attachment to an email will constitute signatory authorisation
For each of the university’s pension schemes, if you receive occupational maternity pay or statutory maternity pay, your pension contributions will be based on the actual amount of pay received. The university will continue to pay the appropriate employer’s contributions.

The period of paid maternity leave will count in full as pensionable service. However, during the period of unpaid maternity leave for each scheme, your contributions lapse and the period will be recorded as a ‘break in service’ for pension purposes. It may be possible for you to make personal pension contributions throughout or following the period of unpaid maternity leave in order for this period to count towards pensionable service. Unfortunately, this is not the case with the TPS.

For information about your pension, you are advised to contact your pension scheme for further advice and contact details are shown below. **NB If you do wish to make up your pension contributions from the unpaid period of your maternity leave, please contact the Payroll Department as soon after returning to work as soon as possible and no later than within the first month.**

| Scheme                          | If you wish to do so, more information is available in the following section of their website: Additional Pension Contributions...
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| Local Government Pension Scheme | If you wish to do so, more information is available in the following section of their website: Additional Pension Contributions.

Further information is available here: https://www.lgpsmember.org/more/apc/index.php and more general information can be found here: https://www.lgpsmember.org

| USS                             | If you wish to do so, more information is available in the Factsheet “Maternity and Family Leave” found on the following page of the USS website.  

https://www.uss.co.uk/members/members-home/resources

| Teachers’ Pension Scheme (TPS)  | For further information regarding your pension, please go to www.teacherspension.co.uk.  

| AVCs                           | Added Years/Additional Regular Contributions/USS AVCs/In-House (Prudential) and Free-Standing AVCs/Personal pensions  

You need to continue to pay for any Added Years or USS/In-House AVCs you were purchasing, and for any additional pension you are purchasing by way of Additional Regular Contributions (ARCs), based on the pay you would have received had you not been on maternity leave. These contributions will be collected from your pay after you return to work.

If you contribute to a Free-standing AVC/personal pension scheme, you should consult the manager of the scheme regarding the implications of your maternity leave and pay on your pension.

Updated March 2018